

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

ANTHONY CUPAIUOLO, et al. : CIVIL ACTION
: :
v. : :
: :
MATTEL, INCORPORATED, et al. : NO. 07-3415

ORDER

AND NOW, this 21st day of September, 2007, upon
consideration of defendants' motion to remand (Docket No. 9),
plaintiffs' opposition, and defendants' response thereto, IT IS
HEREBY ORDERED that said motion is DENIED.

The plaintiffs appear to move either to remand or to
seek discovery on the averment in the notice of removal that the
Wal-Mart Store located at 605 Conchester Highway, Boothwyn,
Pennsylvania, is a retail outlet operated by Wal-Mart Stores
East, Inc., a corporation existing under the law of the state of
Delaware with its principal place of business in Arkansas. But
the plaintiffs do not offer any basis to believe that the
specific averment in the notice for removal that is signed by an
officer of the Court is not accurate. If in the course of
discovery, it appears that this Court does not have subject
matter jurisdiction because any of the defendants is a citizen of
Pennsylvania, the Court will remand the case.

BY THE COURT:

/s/ Mary A. McLaughlin
MARY A. McLAUGHLIN, J.